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1600 SHATTUCK ASSOCIATES, L.P.  
(erroneously sued as 1600 Shattuck Associates,  
a General Partnership)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCA MORALEZ,

Plaintiff,

v.

PHILZ COFFEE, INC.; 1600 SHATTUCK  
ASSOCIATES, a General Partnership,

Defendants.

1600 SHATTUCK ASSOCIATES, L.P.,

Cross-Claimant,

v.

PHILZ COFFEE, INC.,

Cross-Defendant.

Case No. 4:16-cv-07102-HSG

**STIPULATION AND ORDER TO  
CONTINUE BRIEFING SCHEDULE  
AND HEARING ON CROSS-  
DEFENDANT PHILZ COFFEE, INC.'S  
ANTICIPATED MOTION FOR  
JUDGMENT ON THE PLEADINGS  
BECAUSE OF TENTATIVE  
SETTLEMENT OF CROSS-CLAIM**

Complaint Filed: December 13, 2016  
Cross-Claim Filed: October 20, 2017  
Trial Date: None Set

1 Plaintiff Francisca Morales (“Plaintiff”), Defendant and Cross-Claimant 1600 Shattuck  
2 Associates, L.P. (“1600 Shattuck”), and Cross-Defendant Philz Coffee, Inc. (“Philz”), by and  
3 through their respective attorneys of record, hereby stipulate as follows:

4 1. The hearing on Philz’s Motion for Judgment on the Pleadings related to the Cross-  
5 Claim filed by 1600 Shattuck against Philz (“Motion”) is scheduled for hearing by the Court on  
6 December 15, 2017. (ECF No. 60.) Pursuant to the Court’s November 8, 2017 Minute Order, the  
7 parties were required by the Court to meet and confer regarding an expedited briefing schedule  
8 for the Motion. (*Id.*) The parties stipulated to and the Court entered an order setting forth the  
9 briefing schedule:

- 10 • **Deadline to file Motion:** November 27, 2017
- 11 • **Deadline to file Opposition to Motion:** December 7, 2017
- 12 • **Deadline to file Reply to Motion:** December 11, 2017

13 (ECF No. 64.)

14 2. 1600 Shattuck and Philz have reached a tentative settlement to resolve  
15 1600 Shattuck’s Cross-Claim against Philz (ECF No. 50). Settlement of the Cross-Claim would  
16 result in Philz no longer being any part of the above-referenced matter, and Philz’s anticipated  
17 Motion would be moot. Given the upcoming Thanksgiving holiday and Philz’s inspection of  
18 1600 Shattuck’s attorneys’ redacted billing records, a condition of the tentative settlement, the  
19 parties anticipate that it will take at least two weeks to finalize the settlement and memorialize it  
20 in a written agreement.

21 3. 1600 Shattuck and Philz therefore request that the Court continue the hearing for  
22 Philz’s Motion until mid-January 2018 to allow the parties to settle the Cross-Claim. If 1600  
23 Shattuck and Philz are unable to settle the Cross-Claim by December 22, 2017, they will meet  
24 and confer and file by that date a stipulation and proposed order establishing a briefing schedule  
25 on the Motion.

26 **IT IS SO STIPULATED.**

27

28

1 Dated: November 22, 2017

MISSION LAW FIRM, A.P.C.

2  
3 By: s/Zachary M. Best  
4 Zachary M. Best  
Attorneys for Plaintiff  
FRANCISCA MORALES

5 Dated: November 22, 2017

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

7 By: s/Allison L. Shralow  
8 Charles D. Jarrell  
Allison L. Shralow  
9 Attorneys for Defendant and Cross-Claimant  
10 1600 SHATTUCK ASSOCIATES, L.P.  
(erroneously sued as 1600 Shattuck  
Associates, a General Partnership)

11 Dated: November 22, 2017

JACKSON LEWIS P.C.

13 By: s/Jamerson C. Allen  
14 Jamerson C. Allen  
Janelle J. Sahouria  
15 Attorneys for Cross-Defendant  
PHILZ COFFEE, INC.

16 **ORDER**

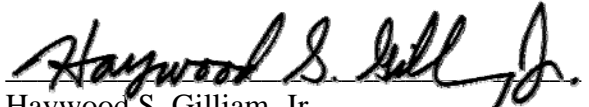
17 The Parties having so stipulated and good cause appearing, it is hereby ORDERED as  
18 follows:

19 1. The hearing for Cross-Defendant Philz, Inc.'s Motion for Judgment on the  
20 Pleadings ("Motion") is continued from December 15, 2017 until January 18, 2018.

21 2. Cross-Claimant and Defendant 1600 Shattuck Associates, L.P. and Cross-  
22 Defendant Philz, Inc. will meet and confer and file by December 22, 2017 a stipulation  
23 establishing briefing schedule if they are unable to finalize their tentative settlement of the Cross-  
24 Claim prior to that date.

25 **IT IS SO ORDERED.**

26 Dated: November 27, 2017

27   
Haywood S. Gilliam, Jr.  
United States District Judge